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To:

NAME:	FACSIMILE:	TELEPHONE:
Commissioner for Patents	703/872-9306	571/272-0952

FROM: Kimberly A. Bolin

DATE: March 23, 2005

Number of pages with cover page:	5	
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Comments:

Attorney Docket No.: 342312003601
Group Art Unit: 1653
Examiner: David Lukton
Serial No.: 09/942,431
Filing Date: August 29, 2001
Inventor(s): Nathaniel MILTON et al.
Title: ECHINOCANDIN PHARMACEUTICAL FORMULATIONS CONTAINING
MICELLE-FORMING SURFACTANTS

Papers enclosed:

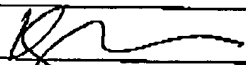
1. Transmittal (1 page);
2. Communication (3 pages).


pa-966609

PTO/SB/21 (09-04)
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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	09/942,431
		Filing Date	August 29, 2001
		First Named Inventor	Nathaniel MILTON
		Art Unit	1653
		Examiner Name	D. Lukton
Total Number of Pages In This Submission	4	Attorney Docket Number	342312003601

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Communication (3 pages) 2. Fax cover sheet
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP (Customer No. 25226)		
Signature			
Printed name	Kimberly A. Bolin		
Date	March 23, 2005	Reg. No.	44,546

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.	
Dated: <u>03/23/05</u> Date	Signature:  (Maria Linda Gentile)

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(Maria Linda Guidermo)

Docket No.: 342312003601
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Nathaniel MILTON et al.

Application No.: 09/942,431

Confirmation No.: 7457

Filed: August 29, 2001

Art Unit: 1653

For: ECHINOCANDIN PHARMACEUTICAL
FORMULATIONS CONTAINING MICELLE-
FORMING SURFACTANTS

Examiner: D. Lukton

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication to the office is with respect to the Interview Summary received by the Applicant as part of the communication from the Office dated March 3, 2005, which also included the Notice of Allowability, Notice of Allowance and Fees Due, and the Examiner's amendment. The Applicant notes that this communication is due 1 month from the date of the interview (February 23, 2005) or one month from the mail date of the Interview Summary (mail date March 3, 2005), whichever is later, therefore the due date for this communication is April 3, 2005. Accordingly, this communication is timely filed.

pa-966405

Application No.: 09/942,431

2

Docket No.: 342312003601

The Applicants concur with the Examiner's Interview Summary of the telephonic interview on February 23, 2005 between Examiner David Lukton and Kimberly Bolin, agent for the applicants, regarding authorizing the Examiner to cancel withdrawn claims 1-21, 37-39, 47-50. The Applicants note the cancellation of these claims was made by an examiner's amendment mailed March 3, 2005. No exhibits were submitted and no prior art was discussed.

The Applicants further note that the Examiner's amendment was also directed to providing an amendment of the specification on page 1, after the title, to include the cross reference to related applications. For the record, the Applicants note that this amendment was made previously in a preliminary amendment co-filed with the present application on August 29, 2001 and reflects the claim for domestic priority set out in the application data sheet also co-filed with the present application.

The Applicants further thank the Examiner for review of the cited references and return of the initialed PTO-1449 form submitted with the Supplemental Information Disclosure Statement dated January 14, 2004.

pa-966405

Application No.: 09/942,431

3


Docket No.: 342312003601

CONCLUSIONS

Applicants believe that no fees are due in connection with this communication. However, in the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 342312003601. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: March 23, 2005

Respectfully submitted,

By 
Kimberly A. Bolin
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pa-966405